

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

KRISTIN M. MANNING,

Plaintiff,

v.

**5:09-CV-88
(FJS/VEB)**

**MICHAEL J. ASTRUE, Commissioner of
Social Security,**

Defendant.

APPEARANCES

OF COUNSEL

OLINSKY & SHURTLIFF

300 South State Street, 5th Floor
Syracuse, New York 13202
Attorneys for Plaintiff

HOWARD OLINSKY, ESQ.

**SOCIAL SECURITY ADMINISTRATION
OFFICE OF REGIONAL GENERAL
COUNSEL, REGION II**

26 Federal Plaza – Room 3904
New York, New York 10278
Attorneys for Defendant

**KAREN G. FISZER, ESQ.
MICHELLE L. CHRIST, ESQ.**

SCULLIN, Senior Judge

ORDER

Plaintiff brought this action pursuant to 42 U.S.C. § 405(g), seeking review of Defendant's decision denying her benefits under the Social Security Act. *See* Dkt. No. 1. Plaintiff also moved for judgment on the pleadings. *See* Dkt. No. 12. Defendant filed an answer, *see* Dkt. No. 10, and filed a motion for judgment on the pleadings, *see* Dkt. No. 13. In a Report and Recommendation dated April 30, 2010, Magistrate Judge Bianchini recommended that this Court grant Plaintiff's motion, deny Defendant's motion, and remand this matter for further

administrative proceedings. *See* Dkt. No. 15 at 2-3. The parties did not file any objections to these recommendations.

Having reviewed the entire record in this matter, Magistrate Judge Bianchini's April 30, 2010 Report and Recommendation, and the applicable law, the Court hereby

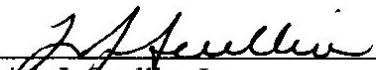
ORDERS that Magistrate Judge Bianchini's April 30, 2010 Report and Recommendation is **ADOPTED** in its entirety; and the Court further

ORDERS that, for the reasons stated in Magistrate Judge Bianchini's April 30, 2010 Report and Recommendation, Plaintiff's motion for judgment on the pleadings is **GRANTED**; Defendant's motion for judgment on the pleadings is **DENIED**; and this matter is **REMANDED** to Defendant pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with Magistrate Judge Bianchini's April 30, 2010 Report and Recommendation; and the Court further

ORDERS that the Clerk of the Court shall enter judgment and close this case.

IT IS SO ORDERED.

Dated: May 31, 2010
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge